



## MICHIGAN LIQUOR CONTROL COMMISSION REOPENING FREQUENTLY ASKED QUESTIONS



### 1. Can I reopen my bar or restaurant on June 8?

- Pursuant to [Executive Order 2020-110](#), on-premises licensees throughout Michigan not already able to open in region 6 and 8 that sell and serve alcohol for consumption on the premises (see license list below) may begin serving for on-premises consumption effective Monday, June 8, 2020 at 12:01 a.m. and must comply with requirements set forth in [Executive Order 2020-114](#) (see question #2 below). Bars and restaurants already open in regions 6 and 8 must continue to comply with the requirements of Executive Order 2020-114.
- On-premises licensees that also have approved outdoor service areas may serve in their outdoor service areas as long as they comply with the requirements in Executive Orders 2020-114 (see #2 below). This includes service of alcohol on golf courses to golfers.

#### On-Premises License List

- |                   |   |
|-------------------|---|
| • Class C License | • A-Hotel License   |
| • Tavern License  | • B-Hotel License   |
| • Club License    | • Manufacturer license with On-Premises Tasting Room Permit |
| • G-1 License     | • Off-Premises Tasting Room License                         |
| • G-2 License     | • Joint Off-Premises Tasting Room License                   |

### 2. What are the requirements I must follow in order to reopen my bar or restaurant?

- Pursuant to [Executive Order 2020-110](#), all on-premises licensees that reopen must comply with the provisions in [Executive Order 2020-114](#):
  - ☐ Limit capacity to 50% of normal seating.
  - ☐ Require six feet of separation between parties or groups at different tables or bar tops (e.g., spread tables out, use every other table, remove or put up chairs or barstools that are not in use).
  - ☐ Create communications material for customers (e.g., signs, pamphlets) to inform them of changes to restaurant or bar practices and to explain the precautions that are being taken to prevent infection.
  - ☐ Close waiting areas and ask customers to wait in cars for a call when their table is ready.
  - ☐ Close self-serve food or drink options, such as buffets, salad bars, and drink stations.
  - ☐ Provide physical guides, such as tape on floors or sidewalks and signage on walls to ensure that customers remain at least six feet apart in any lines.
  - ☐ Post sign(s) at store entrance(s) informing customers not to enter if they are or have recently been sick.
  - ☐ Post sign(s) instructing customers to wear face coverings until they get to their table.
  - ☐ Require hosts and servers to wear face coverings in the dining area.
  - ☐ Require employees to wear face coverings and gloves in the kitchen area when handling food, consistent with guidelines from the Food and Drug Administration ("FDA").
  - ☐ Limit shared items for customers (e.g., condiments, menus) and clean high-contact areas after each customer (e.g., tables, chairs, menus, payment tools, condiments).
  - ☐ Train employees on:
    - Appropriate use of personal protective equipment in conjunction with food safety guidelines.
    - Food safety health protocols (e.g., cleaning between customers, especially shared condiments).
    - How to manage symptomatic customers upon entry or in the restaurant.
  - ☐ Notify employees if the employer learns that an individual (including an employee, customer, or supplier) with a confirmed case of COVID-19 has visited the store.
  - ☐ Close restaurant immediately if an employee shows multiple symptoms of COVID-19 (fever, atypical shortness of breath, atypical cough) and perform a deep clean, consistent with guidance from FDA and the Center for Disease Control. Such cleaning may occur overnight.
  - ☐ Install physical barriers, such as sneeze guards and partitions at cash registers, bars, host stands, and other areas where maintaining physical distance of six feet is difficult.
  - ☐ To the maximum extent possible, limit the number of employees in shared spaces, including kitchens, break rooms, and offices, to maintain at least a six-foot distance between employees.



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### 3. I placed my license into escrow, how do I request to reactivate it?

- Complete the [Request to Release License From Escrow \(LCC-108a\)](#) and email the form to [MLCCEscrow@michigan.gov](mailto:MLCCEscrow@michigan.gov).

### 4. How do I add an outdoor service area for my licensed business?

- On-premises retailers (Class C, Tavern, A-Hotel, B-Hotel, Club, G-1, and G-2 licenses) and manufacturers with On-Premises Tasting Room Permits, Off-Premises Tasting Room Licenses, or Joint Off-Premises Tasting Room Licenses may apply for permission for an outdoor service area using one of the forms listed below.
- The outdoor service area must be well defined and clearly marked. You will need to submit a diagram with exact measurements with your application to show the boundaries of the outdoor service area. You will also need to describe the barriers that will be used along the boundaries of the area.
- An outdoor service area must comply with all state and local building, health, and zoning laws.

Form Name & Number	Form Description
<a href="#">2020 Limited Permanent Outdoor Service Permission Application (LCC-204a)</a>	Use this application to apply for a new limited term outdoor service area through the spring, summer, and fall seasons of 2020 only, expiring on October 31, 2020. <ul style="list-style-type: none"><li>• The outdoor service area cannot be utilized until places of public accommodation are allowed to reopen for service of alcohol to customers for consumption on the premises under a future Executive Order.</li><li>• The outdoor service area must comply with reduced occupancy and social distancing requirements under Executive Orders, local county health department orders, and local ordinances related to the Coronavirus (Covid-19) pandemic.</li><li>• If the outdoor service area will be located on municipal property, such as a city sidewalk, the licensee must submit written approval from the local governmental unit authorizing the use of the municipal property.</li><li>• The limited permanent outdoor service permission will be valid throughout the spring, summer, and fall season, expiring on October 31, 2020.</li><li>• The outdoor service area must be in the same local governmental unit as the licensed premises.</li><li>• The outdoor service area must be no more than 25 feet from the licensed premises.</li><li>• The outdoor service area must not be separated from the license premises by a public street or road.</li><li>• The outdoor service area must not exceed 20,000 square feet in total space.</li><li>• The outdoor service area is not located on a balcony or rooftop.</li></ul>
<a href="#">Outdoor Service Permanent Permission Application (LCC-204)</a>	Use this form to apply for: <ul style="list-style-type: none"><li>• A new outdoor service area that does not meet the requirements for a 2020 limited permanent outdoor service area described above.</li><li>• A new outdoor service area that will be utilized past the 2020 spring, summer, and fall seasons.</li><li>• To increase the size of an existing approved outdoor service area.</li></ul>
<a href="#">Temporary Authorization Application (LCC-206)</a>	Use this form to apply for a one-day temporary outdoor service area. You may apply for up to 12 one-day temporary outdoor service areas in a calendar year.



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- 5. Do I need approval from my local governmental unit to apply for an outdoor service area?**
- An outdoor service area on private property does not require local approval for the Commission to approve an application. However, all portions of the licensed premises, including outdoor service areas, must comply with all state and local building, plumbing, zoning, sanitation, and health laws, rules, and ordinances, so it is important that you contact your local unit of government to ensure you are complying with any local ordinances regarding outdoor service areas.
  - An outdoor service area on public property, such as a sidewalk or closed street, requires local approval for the Commission to approve an application. This can be a resolution passed by the local legislative body or a local use permit issued by the governmental unit. Governmental units have different procedures, so it is important that you contact your local governmental unit for what it might require.
- 6. My town has shut down the street on which several licensees have businesses so that we can have outdoor service areas for our bars and restaurants. What do we need to do to be approved?**
- Each licensee would need to apply for an outdoor service area using one of the forms listed in question #4 above.
  - Each licensee would need to provide documentation showing it has approval from the local unit of government as described in question #3 above.
  - Each licensee would need to have its own dedicated outdoor service area and have exclusive control over that area. Licensees cannot share outdoor service areas and alcohol sold in one licensee's outdoor service area cannot be sold, served, or consumed in another licensee's outdoor service area.
- 7. I want to set up a bar to serve customers in my outdoor service area, do I need approval for that?**
- Only Class C and B-Hotel licensees require additional approval for more than one bar. Tavern, A-Hotel, Club, G-1, and G-2 licenses and manufacturers with On-Premises Tasting Room Permits, Off-Premises Tasting Room Licenses, or Joint Off-Premises Tasting Room Licenses may set up an additional bar in an outdoor service area without approval from the Commission.
  - Class C and B-Hotel licensees must be approved for an Additional Bar, which costs \$350.00 each year. A licensee may hold multiple Additional Bars to be utilized throughout the licensed premises.
  - Class C and B-Hotel licensees may apply for a new Additional Bar using the [New Additional Bar Application \(LCC-115\)](#).
- 8. My entire golf course is approved for outdoor service and I want to have beverage carts to serve golfers. Do I need any special approval for those?**
- Mobile beverage carts on golf courses are treated like the Additional Bars mentioned in question #7 above.
  - If the golf course has a Class C or B-Hotel license, then each cart utilized to sell and serve alcoholic beverages to golfers in the outdoor service area would need to be approved for an Additional Bar. To apply for Additional Bars for beverage carts use the [New Additional Bar Application \(LCC-115\)](#).
- 9. I have an on-premises retailer license and would like to sell beer and wine to go. Can I do that?**
- On-premises retailers must be issued a Specially Designated Merchant (SDM) license to be able to sell beer and wine in the original, unopened container to go. On-premises retailers must also hold an SDM license to be able to sell [growlers of beer](#).
  - The following on-premises retailers may be issued an SDM license:
    - Class C license



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- Tavern license
  - A-Hotel license
  - B-Hotel license
  - Club license (may only sell beer and wine to go under SDM license to its bona fide members)
  - G-1 license (may only sell beer and wine to go under SDM license to its bona fide members)
  - G-2 license (may only sell beer and wine to go under SDM license to its bona fide members)
- On-premises retailers may apply for a new SDM license using the [New On-Premises SDM Application \(LCC-114\)](#).

### 10. I have a Class C license and would like to sell spirits and mixed drinks to go. Can I do that?

- No, the Michigan Liquor Control Code does not allow on-premises retailers that sell spirits (Class C, B-Hotel, Club, and G-1 licenses) to sell any spirits or mixed drinks to go.
- A Small Distiller licensee that holds an On-Premises Tasting Room Permit or an Off-Premises Tasting Room License may sell spirits manufactured by the licensee in the original, unopened container to go, but cannot sell mixed drinks to go.

### 11. Can I deliver alcohol to customers at their home?

- Retailer licensees that hold Specially Designated Merchant (SDM) licenses may deliver beer and wine in the original, unopened container to customers at their homes or designated locations in compliance with MCL 436.1203(12):
  - The beer or wine is delivered by the SDM licensee's own employees.
  - The SDM licensee or its employee who delivers the beer or wine verifies that the individual accepting delivery is at least 21 years of age.
  - If the SDM licensee or its employee intends to provide service to consumers, the SDM licensee or its employee providing the service has received alcohol server training through a server training program approved by the Commission.
- Off-premises retailer licensees with Specially Designated Distributor (SDD) licenses may deliver spirits and mixed spirit drink products in the original, unopened container to customers at their homes or designated locations in compliance with MCL 436.1203(14):
  - The spirits are delivered by the retailer's own employees.
  - The retailer or its employee who delivers the spirits verifies that the individual accepting delivery is at least 21 years of age.
  - If the retailer or its employee intends to provide service to consumers, the retailer or its employee providing the service has received alcohol server training through a server training program approved by the Commission.
- Licensees with Brewpub or Micro Brewer licenses may deliver beer the licensee manufactured to customers at their homes or designated locations in compliance with MCL 436.1203(12):
  - The beer is delivered by the Brewpub's or Micro Brewer's own employees.
  - The Brewpub or Micro Brewer or its employee who delivers the beer verifies that the individual accepting delivery is at least 21 years of age.
  - If the Brewpub or Micro Brewer or its employee intends to provide service to consumers, the Brewpub or Micro Brewer or its employee providing the service has received alcohol server training through a server training program approved by the Commission.
- A Wine Maker or Small Wine Maker licensee that holds a Direct Shipper license may deliver wine to customers at their home if the licensee complies with the conditions of [MCL 436.1203\(4\)](#).
- Third Party Facilitator Service licensees may deliver beer, wine, or spirits on behalf of SDD and SDM licensees to customers at their homes or designated locations in compliance with MCL 436.1203(15) and (16):



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- If the Third Party Facilitator Service licensee delivers beer, wine, or spirits, the third party facilitator service verifies that the individual accepting the delivery of the beer, wine, or spirits is at least 21 years of age.
- The retailer or consumer pays the fees associated with deliveries.
- The Third Party Facilitator Service licensee offers services for all brands available at the SDD or SDM licensed location.

### 12. Are there any license types that cannot deliver alcoholic liquor?

- The following license types **CANNOT DELIVER** alcoholic liquor to customers:
  - Class C license
  - Tavern license
  - A-Hotel license
  - B-Hotel license
  - Special license
  - G-1 or G-2 License
  - Brewer license
  - Small Wine Maker license
  - Wine Maker license
  - Small Distiller license
  - Distiller/Manufacturer of Spirits license
  - Mixed Spirit Drink Manufacturer license
  - Off-Premises Tasting Room license
  - Joint Off-Premises Tasting Room license

### 13. If I am open for only takeout do I need to maintain liquor liability insurance?

- Yes. If your business is still open for takeout and/or delivery, you **must** continue to maintain liquor liability insurance, pursuant to MCL 436.1803.

### 14. I have an on-premises retailer license with a Specially Designated Merchant license (SDM) license and I sell beer and wine for takeout. Can I place my on-premises license into escrow and only use the SDM license?

- No. The SDM license has been issued in conjunction with your on-premises retailer license and cannot be used or licensed independently from your on-premises license. You must keep both licenses active to continue to sell beer and wine to customers for takeout under your SDM license.

### 15. Beer/Wine/Mixed Spirits/Small Distiller Monthly or Quarterly Tax Reports/Payments Deadlines Extended

- Due to the Coronavirus state-of-emergency, the Commission has extended the deadlines for the monthly or quarterly tax reports and tax payments for the months of March, April, and May 2020, as well as the 1st Quarter 2020 under [Administrative Order 2020-15](#). These tax reports and tax payments will be due on or before July 15, 2020 with no late fees assessed if received by this time. Please report each month or quarter separately.

### 16. May a Wholesaler licensee go into bars and restaurants now and exchange expired product for new to prepare for opening and sanitizing?

- Yes. Businesses may begin the preparatory work needed before reopening to the public. Wholesalers may pick-up beer or wine from retailers pursuant to [MCL 436.1609c](#).

### 17. May vendors go into bars and restaurants now and clean beer lines to prep for opening and sanitizing?

- Yes. Businesses may begin the preparatory work needed before reopening to the public.



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### **18. What is the process for handling kegs of beer at retailer locations that have gone out of date during the Stay Home Stay Safe Executive Orders?**

- Wholesaler licensees may pick-up out-of-date kegs of beer from retailers pursuant to [MCL 436.1609c](#). The out-of-date kegs shall be returned to their respective brewery or Outstate Seller of Beer licensee. The costs of returning the kegs shall be handled in the same manner that was being utilized by each brewer or outstate seller of beer and their respective wholesaler prior to the issuance of EO 2020-21. The brewery or Outstate Seller of Beer licensee shall be responsible for decanting of the kegs. Wholesalers shall not participate in decanting of kegs as that would violate [MCL 436.1609](#).

Updated June 8, 2020